

REMARKS

In the Office Action, the Examiner rejected claims 1-3, 5, 7, 11, 12, and 15 under 35 U.S.C. § 102(b) as allegedly being anticipated by Hunter (U.S. Patent No. 1,755,397). The Examiner also rejected claims 4 and 6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hunter, and claims 16-17 as allegedly being unpatentable over Hunter in view of Hirota et al. (U.S. Patent No. 5,762,673). The Examiner also objected to claims 2 and 7-14 under 37 CFR § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

By this Amendment, Applicant amends claim 1 and cancels claims 2, 6-14, and 18-35. After entry of this Amendment, claims 1, 3-5, and 15-17 will remain pending. Of these, claim 1 is the sole independent claim. The originally-filed specification, claims, abstract, and drawings fully support the amendments to claim 1. No new matter has been introduced.

I. 35 U.S.C. § 102(b) rejection of claims 1-3, 5, 7, 11, 12, and 15

Claims 1-3, 5, 7, 11, 12, and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hunter (U.S. Patent No. 1,755,397). Applicant respectfully traverses these rejections.

Although Applicant does not necessarily agree with the Examiner's rejection, Applicant has amended claim 1 to recite, among other things, "a shutter member which is located lower in the vertical direction than a position through which the fluid is supplied into the through hole, and is movable between a position for closing at least a portion of the hole, and a position for opening the through hole."

Hunter simply does not teach the shutter member as recited in currently amended claim 1. Incidentally, Hirota et al. also fails to teach the shutter member as claimed. Accordingly, the Examiner has not provided a single prior art reference that sufficiently discloses each and every element of currently amended claim 1 for rejection under § 102(b).

In the interest of expediting prosecution of the present application, Applicant notes that currently amended claim 1 now incorporates the limitations of claim 6, and that claim 6 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hunter. Specifically, the Examiner contends, with respect to claim 6, that “the addition of a movable shutter at a lower end of the through hole would have been an obvious addition to one of ordinary skill seeking to avoid inadvertent discharge of the molten gob.” (Office Action, page 5). In fact, the Examiner alleges that such a limitation is *prima facie* obvious over the apparatus of Hunter; however, the Examiner’s rationale is flawed.

First of all, the use of a shutter member to stop the “inadvertent discharge of the molten gob” would result in the gob adhering to the shutter member and cooling in a manner that would interrupt the continuous molding process. Therefore, the use of a shutter member for physically metering the fall of materials would have obviated the non-physical, fluid suspension of the molten gob.

Moreover, the shutter member of currently amended claim 1 has a primary objective of preventing fluid air from leaking through the bottom of the through hole, thereby fluidly suspending the glass material within the through hole throughout a controlled time interval during which a molding temperature may be precisely controlled.

Conversely, the primary objective of Hunter is to “reduce the velocity of the falling charge at the moment of contact with the mold” so as to drop “the charge carefully and easily into the mold” to avoid the formation of cloudy imperfections such as a “grease spot” in the molded glass. (Page 1, lines 25-36). Thus, the gaseous flow in Hunter does not fluidly suspend the glass material in a supporting member for a specific time, but rather, merely retards its fall.

Therefore, one of ordinary skill in the art would have had no motivation to include a shutter member in the through hole of Hunter to arrive at the conveyance apparatus of currently amended claim 1. Applicant further notes that Examiner has not provided a single reference, or any other evidence, from which a shutter member may be combined to arrive at the conveyance apparatus recited in the currently pending application. Should the obviousness of a shutter member be alleged in the rejection of currently amended claim 1, the Examiner is respectfully requested to provide evidence for such rationale.

Accordingly, Hunter does not teach or suggest each and every limitation of currently amended claim 1 and Applicant requests that this rejection be withdrawn.

Claims 3-5, and 15-17 depend from claim 1 and are patentable over each of Hunter and Hirota et al. for at least the same reasons as claim 1, as discussed above.

II. 35 U.S.C. § 103(a) rejection of claims 4 and 6

Claims 4 and 6 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hunter.

Claim 4 depends from claim 1 and is patentable over each of Hunter and Hirota et al. for at least the same reasons as claim 1, as discussed above.

Claim 6 is canceled by this Amendment. The rejection of claim 6 is discussed with respect to the rejection of claim 1, to the extent that a similar rationale would be used in rejecting claim 1 as currently amended to include the limitations of claim 6.

III. 35 U.S.C. §103(a) rejection of claims 16-17

Claims 16 and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hunter in view of Hirota et al. (U.S. Patent No. 5,762,673).

Claims 16 and 17 depend from claim 1 and are patentable over each of Hunter and Hirota et al. for at least the same reasons as claim 1, as discussed above.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and/or drawings in this Amendment, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in

the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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